

## REMARKS

Applicants wish to thank the Examiner for withdrawing the Hippelainen reference cited in the prior rejection. However, the claims 1-8 are now rejected under 35 USC 103(a) as unpatentable over newly cited Raitola in view of Gorsuch. Applicants respectfully traversed the rejection.

Raitola generally relates to a method for transmitting packet switched data in a mobile communications system using an Automatic Repeat Request (ARQ) protocol. ARQ is an error control method for data transmission which uses acknowledgements and timeouts to achieve reliable data transmission. If a sender does not receive an acknowledgement before the timeout, it usually re-transmits a frame or a packet until the acknowledgment is received. See, for example, col. 6, lns. 7-16 of Raitola. That is, Raitola discloses an implementation of the ARQ protocol using a control channel CCH which implies a retransmission (col. 10, lns. 31-32).

The invention discloses a channel access method. In particular, the use of a common channel description combined by an explicit specification of the order of the data transmission in one direction. In the claimed invention, there are multiple channel resources assigned for the same transmission direction, and the channel description describes the order in which a sequence of data is divided among the resources. For example, claims 1 and 8 require assigning channel resources for one transmission direction, and an order of the transmission of data for the one transmission direction. Raitola, on the other hand, discloses use of a TDMA system (col. 10, ln. 31 ff.) with time slots. This is in contrast to the invention, in which channel resources do not use time slots but rather spectrum codes, code groups, frequencies and/or mid-ambles, as required by the claims (The Examiner, indeed, cites Gorsuch as disclosing this limitation). More specifically, the channel description in the invention specifies the order of the transmission of data for the "one" transmission direction. Hence, use of a channel description in Raitola with consecutive time slots of either transmission direction would not have been obvious. Use of consecutive order of time slots is known per se to the subscriber station in which order to use the time slots for the transmission of data. Therefore, there is no reason one having ordinary skill would use channel description in a TDMA-based system.

Gorsuch, cited by the Examiner as disclosing channel resources having spectrum codes, code groups, frequencies and/or mid-ambles (col. 6, lns. 7-15), teaches a method for assigning

channel resources, i.e. a number of fixed rate data channels- defined by CDMA codes- to a number of subscriber units. Here, a channel resource assignor assigns the limited number of channel resources among the subscriber units depending on indications of threshold levels of data buffers in each respective subscriber unit and depending on the urgency factors. Thus, a number of channels may be assigned to a buffer exceeding the threshold level at a first instance, but released or reduced at a later second instance and assigned to another subscriber unit. Although Gorsuch discloses the possibility of assigning a number of channels, i.e. CDMA codes, to a single subscriber unit, the reference fails to disclose how such an assignment is signaled from the assignor to the subscriber unit.

Since the recited structure and method is not disclosed by the applied prior art, either alone or in combination, claims 1 and 8 are patentable. Claims 2-7, depending directly or indirectly from claim 1, are similarly patentable.

In view of the above, Applicants submit that this application is in condition for allowance. An indication of the same is solicited. The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing, referencing Attorney Docket 118990-039.

Respectfully submitted,

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